

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

GARY HERMANN

PLAINTIFF

v.

Civil No. 04-5120

JO ANNE B. BARNHART, Commissioner  
Social Security Administration

DEFENDANT

O R D E R

On this 5th day of October, 2005, the court has before it for consideration plaintiff's request for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. For reasons set forth in the report and recommendation filed by the Honorable Beverly Stites Jones, United States Magistrate Judge, dated September 15, 2005, the court finds that the magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff attorney fees and costs in the amount of \$4,212.45, representing 33.25 hours of work at a rate of \$125.00 per hour and \$56.00 in expenses. This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future.

IT IS SO ORDERED.

/s/Jimm Larry Hendren

JIMM LARRY HENDREN

UNITED STATES DISTRICT JUDGE